

Panaji, 2nd April, 1992 (Chaitra 13, 1914)

SERIES I No. I

# OFFICIAL GAZETTE

## GOVERNMENT OF GOA

### GOVERNMENT OF GOA

Legislature Department

LA/B/1087/1992

The following Report of the Select Committee on Bill No. 18 of 1991 The Goa (Brackish Water) Fish Farming Regulation Bill, 1991 alongwith the Bill as amended by the Select Committee which was presented to the Legislative Assembly of Goa on 24th March, 1992, is hereby published for general information in pursuance of the provisions of Rule 229 of the Rules of Procedure and Conduct of Business of Legislative Assembly.

Panaji, 1st April, 1992.

(Bill No. 18 of 1991)

A

BILL

*to regulate and promote scientific fish farming in brackish water land in the State of Goa.*

#### COMPOSITION OF THE SELECT COMMITTEE

##### CHAIRMAN

1. Shri Ratnakar Chopdekar — Minister for Fisheries.

##### MEMBERS

2. Dr. K. G. Jhalmi
  3. Shri Ranu Prabhu Dessai
  4. Shri D. V. Chodancarr
  5. Shri Victor Gonsalves
  6. Shri Manu Fernandes
  7. Shri P. R. Rane
- Shri Francisco Sardinha, Minister for Agriculture (special invitee)

##### SECRETARIAT

1. Shri M. M. Naik — Secretary, Legislature
2. Shri A. B. Ulman — Joint Secretary, Legislature

##### GOVERNMENT REPRESENTATIVES

1. Shri Anil Baijal — Development Commissioner
2. Shri B. S. Subbanna — Law Secretary
3. Shri V. G. Gopinathan — Chief Executive Officer, BFDA, Goa

## REPORT OF THE SELECT COMMITTEE

I, the Chairman of the Select Committee to which Bill No. 18 of 1991 (a Bill to regulate and promote scientific fish farming in brackish water land in the State of Goa) was referred, having been authorised by the Committee to submit the report on its behalf, present this report along with the Bill as recommended by the Committee.

2. The Bill was introduced in the Legislative Assembly on 11/12/1991 and was referred to Select Committee on 12/12/91.

3. The Committee held four sittings viz. on 3/2/92, 14/2/92, 10/3/92 and 23/3/92. The Committee visited Cochin to see the Brackish Water Fish Farming which has been done on scientific basis in Cochin. The Committee was satisfied with the prospects of aquaculture farming and felt that in Goa also this type of aquaculture on scientific basis will be a gainful activity. The Committee is thankful to Shri C. T. Sukumaran, Chairman and Dr. M. Sakthivel, Director of the Marine Products Export Development Authorities for giving valuable information and arranging visits to Brackish water fish farms at Cochin.

4. The Committee has been given details of the scheme by Brackish Water Fish Farmers Development Agency, Goa which are as follows:

Goa has about 18500 hectares of Khazan land out of which 12500 hectares are cultivated for a single crop of paddy from June-July to October-November. During the remaining period these lands are idle.

Out of the 18500 hectares about 3500 hectares have become fallow and marshy, which can be reclaimed for prawn farming. The Government of Goa has set up the Brackish Water Fish Farmers Development Agency (BFDA) — Goa to promote prawn farming. Under the scheme of this Agency about 50 hectares of brackish water areas are to be brought under prawn farming every year by providing the technical and financial assistance. The BFDA will grant Rs. 30,000/- subsidy per hectare and the remaining capital needed will be arranged through Banks as loan.

About 55 beneficiaries have been identified so far covering an area of nearly 200 hectares. More than 17 project reports covering an area of 35.0 hectares have already been submitted to Banks during the year 1991-92.

The Pilot Prawn Hatchery at Benaullim which is on trial production now, will make available the seed to the farmers. This hatchery is designed to produce 25 million seed of PL 20 size a year.

The infrastructure needed for the transfer of technology through demonstration and training is already available at the Estuarine Fish Farm at Ela Dhauji.

5.(a) The Committee in its meeting held on 10th March, 1992 recommended that the expression "Agriculture" appearing in the definition may be deleted.

(b) The definition of Brackish water land was amended to read as "Brackish Water Land" means any land inundated with or subject to inundation by salt water and fit for pisciculture;

(c) The Committee also felt that the licensing authority may be specified in the Bill itself and it was decided after deliberation that the "Brackish Water Fish Farmers Development Agency should be the licensing authority" as such sub clause (c) of clause 2 was accordingly amended as follows to read as "Licensing Authority" means Brackish Water Fish Farmers Development Agency (BFDA) Goa registered under the Societies Registration Act, 1860.

(d) In clause 4(c) the words "any other structure" may be inserted.

All other clauses of the Bill are in order.

The Committee also suggested that Goa should have its own Feed Manufacturing Plant so that our aqua-culture activities are not adversely affected by the shortage of the feed because this activity requires

particular type of feed and if there is a shortage, the entire efforts to boost the aqua-culture farming will be adversely affected.

6. The Committee visited brackish water fish farm in Goa at Pilerne on 18/3/92.

7. The Committee considered the suggestions and comments received in response to the press-note issued by the Committee. The Committee also heard Shri Nandakumar Kamat, Research fellow of Department of Micro-biology from Goa University about his suggestions on the Bill.

8. This report was considered and adopted by the Committee in its meeting held on 23rd March, 1992.

9. The Committee is thankful to the Development Commissioner; Law Secretary and Officers and Staff of the Legislature Department for their active co-operation.

Assembly Hall  
Panaji  
24th March, 1992

RATNAKAR CHOPDEKAR  
Minister for Fisheries  
Chairman

*Note: —* Deletions made by the Select Committee are shown in Square brackets and additions and substitutions made are underlined.

## The Goa (Brackish Water) Fish Farming Regulation

Bill, 1991

(Bill No. 18 of 1991)

A

BILL

*to regulate and promote scientific fish farming in brackish water land in the State of Goa.*

Be it enacted by the Legislative Assembly of Goa in the Forty-Second Year of the Republic of India as follows:—

1. *Short title, extent and commencement.* — (1) This Act may be called the Goa (Brackish Water) Fish Farming Regulation Act, 1991.

(2) It shall extend to the whole of the State of Goa.

(3) It shall come into force on such date as the Government may, by notification in the Official Gazette, appoint.

2. *Definitions.* — In this Act, unless the context otherwise requires.—

[(a) “agriculture” shall have the same meaning as assigned to it under the Goa, Daman and Diu Agricultural Tenancy Act, 1964 (Act 7 of 1964)]

(a) [(b)] “Appointed day” means the date of coming into force of this Act;

(b) [(c)] “brackish water land” means any land inundated with or [prone] subject to inundation by salt water and [or where no agricultural activity has been carried on for the last five years immediately preceding the appointed day;] fit for pisciculture;

(c) [(d)] “licensing authority” means [an authority empowered by the Government to issue licences for the purposes of this Act;] Brackish Water Fish Farmers Development Agency (BFDA) Goa registered under the Societies Registration Act, 1860;

(d) [(e)] “Government” means the Government of the State of Goa;

(e) [(f)] “prescribed” means prescribed by rules made under this Act;

(f) [(g)] "Tribunal" means the Administrative Tribunal constituted under the Goa, Daman and Diu Administrative Tribunal Act, 1965 (Act 6 of 1965).

3. *Prohibition of fishing or fish farming.* — Notwithstanding any custom, usage, law or contract to the contrary no fishing or fish farming activities shall be undertaken or carried on in any brackish water land except in accordance with a licence issued under this Act:

Provided that, if any fishing or fish farming activity is being carried on by any person in any such land on the appointed day, whether by usage or custom or contract, such person shall within three months from the appointed day, obtain a licence in accordance with the provisions of this Act.

4. *Licence for fishing or fish farming.* — (1) An application for grant of licence under section 3 shall be made to the licensing authority in such form and on payment of such fee as may be prescribed.

(2) On receipt of an application under sub-section (1), the licensing authority shall,—

(a) Conduct such inquiry as it deems fit to establish the nature of the right of the applicant over the land and for this purpose, may require the applicant to produce such documents as it deems necessary;

(b) obtain such reports as it deems necessary from the Directorates of Agriculture and Fisheries of the Government;

(c) cause a survey to be made to ensure that no damage is likely to be caused to any residential house or any other structure or a drinking water source by fish farming activities on the brackish water land.

3. If, after inquiry, the licensing authority is of the opinion that the applicant should be granted the licence, it shall grant the licence in such form and subject to such conditions as may be prescribed.

4. If, after inquiry, the licensing authority is of the opinion that the application should be rejected, it shall communicate the grounds for such rejection and also give the applicant an opportunity of being heard, before passing any order.

5. *Penalties.* — Whoever contravenes the provisions of section 3 or any of the conditions subject to which a licence has been granted under section 4, shall, on conviction, be punishable with fine which may extend to one thousand rupees and when the contravention is a continuous one, with a further fine which may extend to five hundred rupees for every day during which such contravention is continued or continues.

6. *Appeal.* — Any person aggrieved by an order made under section 4 may, within such time and in such manner as may be prescribed appeal to the Tribunal.

7. *Power to make rules.* — (1) The Government may by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

- (a) the form of application for grant of licence;
- (b) the fee to be paid for grant of licence;
- (c) the form of licence;
- (d) the conditions governing the grant of licence;
- (e) any other matter which is required to be, or may be, prescribed.

LA/B/1050/1991

The following Bill which was introduced in the Legislative Assembly of Goa on 27-3-92 is hereby published for general information in pursuance of the provisions of Rule-136 of the Rules of Procedure and Conduct of Business of the Legislative Assembly.

Panaji, 30th March, 1992.

The Goa Buildings (Lease, Rent and Eviction) Control  
(Amendment) Bill, 1992

(Bill No. 2 of 1992)

A

BILL

further to amend the Goa, Daman and Diu Buildings  
(Lease, Rent and Eviction) Control Act, 1968.

Be it enacted by the Legislative Assembly of Goa in the Forty-third Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Goa Buildings (Lease, Rent and Eviction) Control (Amendment) Act, 1992.

(2) It shall come into force at once.

2. *Amendment of section 18.*—In sub-section (1) of section 18 of the Goa, Daman and Diu Buildings (Lease, Rent and Eviction) Control Act, 1968, (Act 2 of 1969), after the words “not known to the tenant” and before the figure and words, “he may deposit”, the words “or the landlord refuses to accept the rent from the tenant” shall be inserted.

Statement of Objects and Reasons

Certain difficulties have been encountered in implementing the provisions of the Goa, Daman and Diu Buildings (Lease, Rent and Eviction) Control Act, 1968 in the absence of the provision to enable the tenant to deposit rent with the Collector, on the landlord's refusal to accept the same.

This Bill seeks to obviate the aforesaid difficulties.

Memorandum Regarding Delegated Legislation

No delegated legislation is contemplated in the Bill.

Financial Memorandum

No financial implications are involved in this Bill.

Panaji  
5th March, 1992

Shri Domnic Fernandes  
M. L. A.

Assembly Hall,  
Panaji,  
6th March, 1992

M. M. NAIK  
Secretary to the Legislative  
Assembly of Goa.

(Annexure to Bill No. 2 of 1992)

The Goa Buildings (Lease, Rent and Eviction) Control  
(Amendment) Bill, 1992

The Goa, Daman and Diu Buildings (Lease, Rent and Eviction)  
Control Act, 1968

18. *Deposit of rent by tenant.*—(1) Where there is a *bonafide* doubt as to the person or persons to whom the rent is payable or where the address of the landlord or his authorised agent is not known to the tenant, he may deposit such rent with the Controller in the prescribed manner.

(2) The deposit shall be accompanied by an application by the tenant containing the following particulars, namely:—

(a) the building for which the rent is deposited with a description sufficient for identifying the building;

(b) the period for which the rent is deposited;

(c) the name and address of the landlord or the person or persons claiming to be entitled to such rent;

(d) the reasons for and the circumstances in which the application for depositing the rent is made;

(e) such other particulars as may be prescribed.

(3) On such deposit of the rent being made, the Controller shall send in the prescribed manner a copy or copies of the application to the landlord or persons claiming to be entitled to the rent with an endorsement of the date of the deposit.

(4) If an application is made for the withdrawal of any deposit of rent, the Controller shall, if satisfied that the applicant is the person entitled to receive the rent deposited, order amount of the rent to be paid to him in the manner prescribed:

Provided that no order for payment of any deposit of rent shall be made by the Controller under this sub-section without giving all persons named by the tenant in his application under sub-section (2) as claiming to be entitled to payment of such rent an opportunity of being heard and such order shall be without prejudice to the right of such persons to receive such rent being decided by a court of competent jurisdiction.

(5) If at the time of filing the application under sub-section (4), but not after the expiry of thirty days from receiving the notice of the deposit, the landlord or the person claiming to be entitled to the rent complains to the Controller that the statements in the tenant's application of the reasons and the circumstances which led him to deposit the rent are untrue, the Controller, after giving the tenant an opportunity of being heard, may, if he is satisfied that the said statements were materially untrue, impose on the tenant a fine not exceeding an amount equal to two months' rent, and may further direct that such portion thereof as he considers fit should be paid to the landlord as compensation.

(6) The Controller, on the complaint of the tenant and after giving an opportunity to the landlord of being heard may, if he is satisfied that the landlord without any reasonable cause refused to accept rent though tendered to him within the time referred to in section 17, impose on the landlord a fine not exceeding an amount equal to two months' rent, and may further direct that such portion thereof as he considers fit should be paid to the tenant as compensation.

Assembly Hall  
Panaji  
5th March, 1992

M. M. NAIK  
Secretary to the Legislative  
Assembly of Goa.

LA/B/1051/1991

The following Bill which was introduced in the Legislative Assembly of Goa on 27-3-92 is hereby published for general information in pursuance of the provisions of Rule-136 of the Rules of Procedure and Conduct of Business of the Legislative Assembly.

Panaji, 30th March, 1992.

## THE GOA ADVOCATES WELFARE FUND BILL, 1992

### CHAPTER I

#### Preliminary

1. Short title, extent and commencement.
2. Definitions.

### CHAPTER II

#### Constitution and Management of Advocates Welfare Fund

3. Constitution of Fund.
4. Constitution of Board.
5. Term of office of nominated members of Board.
6. Disqualification and removal of nominated members.
7. Resignation by nominated members.
8. Filling up of casual vacancies.
9. Appointment of officers and servants.
10. Amounts to be paid out of the Fund.
11. Periodical and annual reports to be sent to Government.
12. Maintenance of accounts and audit.

### CHAPTER III

#### Recognition and Registration of Bar Associations

13. Recognition and registration of Bar Association.
14. Duties of Bar Association.

### CHAPTER IV

#### Membership in the Fund and Payment therefrom

15. Membership of Fund.
16. Member to appoint nominee to give notice of Cessation of Practice, etc.
17. Payment of retiring benefit from Fund.

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#### Contribution by Members to the Fund and the Mode of Payment thereof

18. Advocate to pay contribution to Fund.
19. Printing and sale of stamps.
20. Vakalatnama not acceptable unless stamped.
21. Value of stamp not to be included in costs and not to be collected from clients.
22. Cancellation of stamps.

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23. Group Life Insurance for members and giving other benefits.
24. Restriction on alienation, attachment etc., of interest of member in the Fund.
25. Vacancy in Board not to invalidate acts or proceedings.
26. Protection of action taken in good faith.

27. Bar of jurisdiction of civil court.
  28. Board to have powers of civil courts.
  29. Power to make regulations.
  30. Power to amend Schedule in certain circumstances.
- The Schedule.

## The Goa Advocates Welfare Fund Bill, 1992

(Bill No. 1 of 1992)

### A

#### BILL

*to provide for the constitution of an Advocates Welfare Fund and utilisation thereof for payment of certain retirement and other benefits to the advocates in the State of Goa.*

Be it enacted by the Legislative Assembly of Goa in the Forty-Third Year of the Republic of India as follows: —

### CHAPTER I

#### Preliminary

1. *Short title, extent and commencement.* — (1) This Act may be called the Goa Advocates Welfare Fund Act, 1992.

(2) It extends to the whole of the State of Goa.

(3) It shall come into force on such date as the Government may, by notification in the Official Gazette, appoint.

2. In this Act, unless the context otherwise requires, —

- (a) "Advocate" means a person whose name has been enrolled on the roll of advocates prepared and maintained by the Bar Council under section 17 of the Advocates Act;
- (b) "Advocates Act" means the Advocates Act, 1961; XXV of 1961.
- (c) "Advocates Welfare Fund" or "Fund" means the fund constituted under section 3 and maintained under the provisions of this Act;
- (d) "Bar Association" means an association of advocates attached to any court or any tribunal or such other authority or person as is legally authorised to take evidence or to adjudicate or to decide any dispute in the State and recognised by the Bar Council;
- (e) "Bar Council" means the Bar Council of Maharashtra constituted under section 3 of the Advocates Act;
- (f) "Board" means the Advocates Welfare Fund Board constituted under section 4;
- (g) "cessation of practice" in relation to an advocate means discontinuance of practice by the advocate by taking up any employment, trade, calling or other similar engagement or discontinuance of practice on account of death;

- (h) "dependants" means wife, husband, father, mother, unmarried daughter, and minor child or such of them as exist;
- (i) "Government" means the Government of Goa;
- (j) "member of the Fund" means an advocate who is admitted to the benefits of the Fund and who continues to be a member thereof under the provisions of this Act;
- (k) "nominee" means a person nominated in the prescribed manner by a member of the Fund to receive the amount, which may be due to the member, from the Fund in the event of his death before the amount is paid to him;
- (l) "prescribed" means prescribed by regulations;
- (m) "regulations" means regulations made by the Board under this Act;
- (n) "retirement" means giving up of practice as an advocate which is communicated to and recorded by the Bar Council;
- (o) "stamp" means the Goa Advocates Welfare Fund Stamp printed and distributed by the Board under section 19;
- (p) "standing" means the period of actual practice after the commencement of this Act;
- (q) "State" means the State of Goa;
- (r) "suspension of practice" means suspension of practice as an advocate voluntarily or otherwise.
- (h) any profit or dividend from the Life Insurance Corporation of India in respect of policies of Group Insurance of the Members of the Fund;
- (i) any interest or dividend or other return on any investment made of any part of the Fund.

4. *Constitution of Board.*—(1) There shall be a Board consisting of the following members, namely:—

- (a) The Advocate-General Goa State — Ex-Officio.
- (b) The Law Secretary to the Government—Ex-Officio.
- (c) The Director of Prosecution Government of Goa — Ex-Officio.
- (d) The Under Secretary (Law) to the Government — Ex-Officio.
- (e) Three members to be nominated by the Government from amongst its members of the Fund.

(2) The powers, functions and duties of the Board shall be as provided by this Act and by regulations.

5. *Term of office of nominated members of Board.*—A person nominated as a member of the Board under clause (e) of sub-section (1) of section 4 (hereinafter in section 6, 7 and 8 referred to as "the nominated member") shall hold office for such period as may be prescribed or for the duration of his membership in the Bar Council whichever is less unless he is removed under sub-section (2) of section 6 or resigns his office and his resignation is accepted by the Board under section 7.

6. *Disqualification and removal of nominated Members.*—(1) A person shall be disqualified to be a nominated member if he—

- (a) is adjudged by a competent court to be of unsound mind; or
- (b) is adjudicated an insolvent and has not obtained his discharge; or
- (c) is convicted of an offence which in the opinion of the Government involves moral turpitude; or
- (d) has in the opinion of the Government committed a breach of trust or where he is a member of the Fund committed persistent default in payment of his contribution to the Fund under section 18.

(2) The Government may remove any nominated member who is or has become disqualified under sub-section (1) from his office as a member of the Board:

Provided that no order removing any member shall be made unless that member and the Board have been given an opportunity of being heard.

7. *Resignation by nominated members.*—A nominated member may resign his office by giving one month's notice in writing to the Board and on such resignation being accepted by the Board, the nominated member shall be deemed to have vacated his office.

## CHAPTER II

### Constitution and management of Advocates Welfare Fund

3. *Constitution of Fund.*—(1) The Government shall constitute a fund called the Goa Advocates Welfare Fund.

(2) There shall be credited to the Fund—

- (a) an initial amount of rupees one lakh to be contributed by the Government to the Fund;
- (b) all the amounts to be contributed by the Bar associations from the year 1991 onwards;
- (c) any other contribution made by the Bar Association;
- (d) any voluntary donation or contribution to the Fund made by the Bar Council of India or any other Bar Council or any Bar Association;
- (e) any voluntary donation made to the Fund by any advocate or his relatives;
- (f) Contributions paid by members of the Fund to the Fund under section 18;
- (g) all sums received from the Life Insurance Corporation of India on the death of any member of the Fund under any Group Insurance Policy;



8. *Filling up of casual vacancies.* — A casual vacancy in the office of a nominated member occurring on account of death, resignation or removal of the member shall be filled up, as soon as may be, by nomination of a person by the Board under clause (e) of sub-section (1) of section 4 and the person so nominated shall hold office so long as the member in whose place he is nominated would have been entitled to hold office, if the vacancy had not occurred.

9. *Appointment of officers and servants.* — For carrying out the provisions of this Act, the Board may appoint such officers and servants on such terms and conditions as may be prescribed.

10. *Amounts to be paid out of the fund.* — All amounts due and payable under this Act and all expenditure relating to the management and administration of the Fund shall be paid out of the Fund.

11. *Periodical and annual reports to be sent to Government.* — The Board shall send to the Government such periodical and annual reports as may be prescribed.

12. *Maintenance of accounts and audit.* — (1) The Board shall cause to be maintained such books of accounts and other books in such form and in such manner as may be prescribed.

(2) The accounts of the Fund shall be audited annually by such person as may be prescribed or by any other person empowered by the Government to perform the functions of an auditor.

(3) After the account of the Fund is so audited, the Board shall send a copy of the auditor's report and balance sheet to the Government.

(4) The Board shall comply with the report of the auditor.

### CHAPTER III

#### Recognition and registration of Bar Associations

13. *Recognition and registration of Bar Association.* — (1) Any association of advocates known by any name functioning in any Court or before any tribunal or before any other authority or person legally authorised to take evidence or to adjudicate or decide any disputes may apply to the Board in the prescribed form for recognition and registration.

(2) Every application for recognition and registration shall be accompanied by the rules or by-laws of the Association, the names and addresses of the office bearers of the Association and an up-to-date list of the Members of the Association showing the name, address, age, date of enrolment and the ordinary place of practice of each member.

(3) The Board may after such inquiry as it deems necessary recognise or refuse to recognise the association.

(4) On recognition of such an association the Board shall issue a certificate of registration in the prescribed form.

(5) Any association aggrieved by the decision of the Board under sub-section (3), may prefer an

appeal against the said decision to such authority as may be prescribed and the decision of such authority on the appeal shall be final.

(6) The appeal shall be accompanied by —

(a) the order appealed against;

(b) a fee of one hundred rupees which shall not be refunded.

(7) The appeal shall be filed within thirty days from the date of receipt of the order appealed against.

14. *Duties of Bar Association.* — (1) Every Bar Association shall, on or before the 31st January every year, intimate to the Board a list of its members as on the 31st December of the previous year.

(2) Every Bar Association shall intimate to the Board —

(a) any change of the office bearers of the Association within thirty days from such change;

(b) any change in the membership, including admissions and re-admissions within sixty days of such change;

(c) the death, retirement, suspension, cessation of practice of any of its members within ninety days from the date of occurrence thereof; and

(d) such other matters as may be prescribed or required by the Board from time to time.

### CHAPTER IV

#### Membership in the Fund and payment therefrom

15. *Membership of Fund.* — (1) Any Advocate who permanently resides in the State of Goa and practices before any Court or any Tribunal, or any other authority or person legally authorised to take evidence or to adjudicate or decide any disputes in the State of Goa and is a member of a Bar Association recognised under section 13 may apply in the prescribed form to the Board for admission as a member of the Fund.

(2) On receipt of an application under sub-section (1), the Board shall make such inquiries as it deems fit and either admit the applicant to the Fund or for reasons to be recorded in writing reject the application:

Provided that no order rejecting the application shall be passed unless the applicant has been given an opportunity of being heard.

(3) The applicant whose application is rejected under sub-section (2) may prefer an appeal to such authority as may be prescribed and the decision of such authority on the appeal shall be final.

(4) The appeal shall be accompanied by the order appealed against.

(5) The appeal shall be filed within thirty days from the date of receipt of the order appealed against.

16. *Member to appoint nominee and to give notice of cessation of practice etc.* — (1) Every member of



the Fund shall, at the time of admission to the membership of the Fund, make a nomination appointing a nominee in the prescribed manner.

(2) A member may at any time cancel such nomination by sending a notice in writing to the Board provided that the member shall alongwith such notice send a fresh nomination.

(3) Every member who voluntarily suspends practice or ceases to practise or retires shall, within sixty days of such suspension, cessation or retirement, intimate that fact to the Board.

17. *Payment of retiring benefit from Fund.* — (1) A member of the Fund shall, on cessation of practice be, entitled to receive from and out of the Fund an amount at the rate specified in the schedule.

(2) In the event of death of a member, the amount shall be paid to his nominee, or, where there is no nominee, to his dependents;

Provided that the Board may call for a succession certificate if circumstances so demand.

(3) A member of the Fund may opt for retirement benefits at any time after five years of his admission as a member of the Fund, but he shall be eligible for re-admission to the Fund as a new member subject to such conditions as may be prescribed.

(4) An application for payment from the Fund shall be preferred to the Board in the prescribed form.

(5) An application received under sub-section (4) shall be disposed of by the Board after such inquiry as it deems necessary.

#### CHAPTER V

##### Contribution by members to the Fund and the mode of payment thereof

18. *Advocates to pay contribution to Fund.* — (1) Every member of the Fund shall pay to the Fund a contribution at the rate and in the manner herein-after provided.

(2) The contribution to be paid by the member shall be at the rate of four rupees in respect of Vakalatnama presented by him to any court, including the High Court, tribunal or other authority or person in the State before which or whom the member is entitled to practice under section 30 of the Advocates Act.

(3) The payment of Contribution shall be indicated by affixing to the Vakalatnama a stamp of the value of four rupees specially printed under this Act.

19. *Printing and sale of stamps.* — (1) The Board shall cause to be printed and distributed the Goa Advocates Welfare Fund Stamps each of the value of four rupees with the Emblem and its value inscribed thereon as may be prescribed.

(2) The stamps shall be of the size 2 c.m. × 4 c.m. and be sold only to the members of the Fund.

(3) The custody of the stamps shall be with the Board.

(4) The Board shall control the distribution and sale of the stamps through the Bar Associations.

(5) The Board and Bar Association shall keep proper accounts of the stamps in such form and in such manner as may be prescribed.

(6) The Bar Associations shall purchase the stamps from the Board after paying the value thereof less ten percent of such value towards incidental expenses.

(7) The Board shall, after deducting from the sale proceeds of stamps the actual cost of printing and distribution of stamps, pay the amount realised by sale of stamps to the Board within fifteen days after the end of every quarter.

20. *Vakalatnama not acceptable unless stamped.* — No member of the Fund shall present to any court, tribunal or other authority or person his Vakalatnama unless a stamp is affixed to it under sub-section (3) of section 18 and no court, tribunal or other authority or person shall accept the Vakalatnama so presented unless it is so stamped.

21. *Value of stamps not to be included in costs and not to be collected from clients.* — (1) The value of the stamp shall not be included in calculating the costs in the case.

(2) The value of the stamp shall not be collected by the member from his client.

(3) If any member contravenes the provisions of sub-section (2), he shall be liable to the Board for appropriate action.

22. *Cancellation of stamps.* — Every stamp affixed to a Vakalatnama under sub-section (3) of section 18 shall be cancelled in the manner provided in Central Act section 30 of the Court-fees Act, 1870. 7 of 1870.

#### CHAPTER VI

##### Miscellaneous

23. *Group Life Insurance for members and other benefits.* — The Board may, for the welfare of the members of the Funds, —

- (a) obtain from the Life Insurance Corporation of India policies of Group Life Insurance for the members of the Fund;
- (b) provide for medical and educational facilities for the members of the Fund and their dependants including and insurance for that purpose;
- (c) provide for such other benefits and amenities as may be prescribed.

24. *Restriction on alienation attachment, etc. of interest of member in the Fund.* — (1) Notwithstanding anything contained in any other law for the time being in force, the interest of any member in the Fund, or the right of a member of the Fund or his nominee, dependants or legal heirs to receive any amount from the Fund, shall not be assigned, alienated or charged and shall not be liable to attachment under any decree or order of any court, tribunal or other authority or person.

(2) No creditor shall be entitled to proceed against the Fund or the interest therein of any member or his nominee or legal heirs.

*Explanation.*—For the purpose of this section, 'creditor' includes the State or any official assignee or receiver appointed under any law for the time being in force.

25. *Vacancy in Board not to invalidate acts or proceedings.*—No act or proceeding of the Board shall be called in question on the ground merely of the existence of any vacancy in or any defect in the constitution of the Board.

26. *Protection of action taken in good faith.*—(1) No suit, prosecution or other legal proceedings shall lie against any person for anything which is in good faith done or intended to be done in pursuance of this Act or any regulation.

(2) No suit or other legal proceeding shall lie against the Board for any damage caused or likely to be caused by anything which is in good faith done or intended to be done in pursuance of this Act or any regulation.

27. *Bar of jurisdiction of Civil Court.*—No Civil Court shall have jurisdiction to settle, decide or deal with any question or to determine any matter which is by or under this Act required to be settled, decided or dealt with or to be determined by the Board.

28. *Board to have powers of Civil Courts.*—The Board shall be competent to take evidence on oath and shall exercise all powers of a Civil Court in the summoning of witnesses and the production of documents.

29. *Power to make regulations.*—(1) The Board may, with the previous approval of the Government, by notification in the Official Gazette, make regulations for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such regulations may be made to provide for all matters expressly required or allowed by this Act to be prescribed by the regulations.

(3) All regulations made under this section shall be laid for not less than thirty days before the State Legislature as soon as possible after they are made and shall be subject to rescission by the State Legislature or to such modifications as the State Legislature may make during the session in which they are so laid or the session immediately following.

(4) Any rescission or modification so made by the State Legislature shall be published in the Official Gazette and shall there upon take effect.

30. *Power to amend Schedule in certain circumstances.*—(1) If the Board recommends to the Government to increase the rate of benefit specified in the Schedule, the Government may, by notifi-

cation in the Official Gazette, amend the said Schedule so as to increase the rate of benefit as recommended and on the issue of such notification, the said Schedule shall be deemed to be amended accordingly.

(2) Every such notification shall, as soon as possible after it is issued, be laid before the State Legislature.

#### SCHEDULE

(See sub-section (1) of section 17)

Period of standing	Rate of benefit
1	2
30 Years' standing	Rs. 45000
29 Years' standing	Rs. 43500
28 Years' standing	Rs. 42000
27 Years' standing	Rs. 40500
26 Years' standing	Rs. 39000
25 Years' standing	Rs. 37500
24 Years' standing	Rs. 36000
23 Years' standing	Rs. 34500
22 Years' standing	Rs. 33000
21 Years' standing	Rs. 31500
20 Years' standing	Rs. 30000
19 Years' standing	Rs. 28500
18 Years' standing	Rs. 27000
17 Years' standing	Rs. 25500
16 Years' standing	Rs. 24000
15 Years' standing	Rs. 22500
14 Years' standing	Rs. 21000
13 Years' standing	Rs. 19500
12 Years' standing	Rs. 18000
11 Years' standing	Rs. 16500
10 Years' standing	Rs. 15000
9 Years' standing	Rs. 13500
8 Years' standing	Rs. 12000
7 Years' standing	Rs. 10500
6 Years' standing	Rs. 9000
Upto 5 Years' standing	Rs. 7500

#### Statement of Objects and Reasons

There are many Advocates practising in various Courts in this State but upto now, no provisions have been made for their welfare and as a result there is hardly any security for them in their old age.

It is, therefore, proposed to provide for the constitution of an Advocates Welfare Fund and utilisation thereof for payment of certain retirement and other benefits to the Advocates in the State of Goa.

This Bill seeks to achieve the above object.

**Financial Memorandum**

Clause 3 of the Bill provides that an initial amount of rupees one lakh to be contributed by the Government to the Fund and hence the financial implications involved in respect of this Bill will be to the tune of Rs. 1 lakh.

**Memorandum Regarding Delegated Legislation**

Clause 29 of the Bill provides for making of regu-

lations by the Board with the previous approval of Government for carrying out the purpose of the Act. This delegation is of normal character.

Panaji,  
24th Feb., 1992

DOMNIC FERNANDES  
M. L. A.

Assembly Hall  
Panaji, 25th Feb., 1992

M. M. NAIK  
Secretary to the Legislative  
Assembly of Goa.